

United States District Court

District of Massachusetts

FILED

CLERK'S OFFICE

Civil Action

7 JUN 29 P 469

DISTRICT COURT  
COMMONWEALTH OF MASS.

Plaintiff

Jane M. Siman  
42 Walnut St.  
Dedham, MA. 02026

Defendants

Nstar Gas & Electric  
One Nstar Way  
Westwood, MA. 02090-9230

&

Dedham Housing Authority  
163 Dedham Boulevard  
Dedham, MA. 02026

Parties

- 1) The Plaintiff is a resident of the Town of Dedham Massachusetts and is a client of both parties listed as defendants.
- 2) The Plaintiff is a single mother with long standing disabilities

3) The defendant entity Nstar's offices  
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are located in the neighboring town of  
Westwood Massachusetts & provides utilities  
to the Town of Dedham.

4) The defendant entity the Dedham Housing  
Authority (hereafter: the D.H.A.) ~~per~~  
administers the plaintiff's Federal Housing  
subsidy. Their offices are located in  
Dedham, Mass., And Joann Toomey is the  
Executive Director.

### Jurisdiction

Nstar is overseen by the Department  
of Telecommunications and energy - which  
is a Federal Agency and The D.H.A. is  
subject to Federal Jurisdiction as the  
plaintiff's subsidy is Federal.

### Facts

1) On August 27<sup>th</sup>, 2003, the defendant  
Contacted both Nstar & the DTE in order  
to try to rectify her arrears, and to dispute  
the mounting gas bill, as it was being  
manually entered & she'd not had an  
actual read in years.

2) On August 27<sup>th</sup>, 2003, the defendant  
sent out Certified letters to both the DTE

and Ustar and provided the necessary documentation required to obtain serious illness protection for her household.

- 3) On September 11<sup>th</sup>, 2003, the defendant again contacted both the D.T.E. and Ustar, as she had not received any response to her letters of August 27<sup>th</sup>.
- 4) On 9/16/2003, Ustar discontinued the plaintiff's electricity due to mounting arrears despite the letters sent and the serious illness protection, though they later returned it.
- 5) On 10/12/2003 the ~~defendant~~ Plaintiff was hospitalized due to a number of complications regarding her health - until 10/20/2003.
- 6) On November 4, 2003, the ~~defen~~ plaintiff acquired the appropriate documentation to renew her serious illness protection.
- 7) In May of 2004, on the 27<sup>th</sup>, Ustar again discontinued service to the plaintiff's home. Where-upon plaintiff made a Two hundred dollar payment and obtained the required documentation that provides for serious illness protection.
- 8) On June 7<sup>th</sup>, 2004, the plaintiff sent out 5 Certified Letters, containing all pertinent

documented to the following agencies  
Case 1:04-cv-11485-RCL Document 2 Filed 06/29/2004 Page 4 of 18 (4)  
that she might avail herself of any assistance  
available to her:

ABCD

178 Tremont St.  
Boston, MA. 02111

SELF Help Inc.  
1326 Main St.  
Brockton, MA. 02301

Catholic Charities  
270 Washington St.  
Somerville, MA. 02143

Good Neighbor Energy Fund  
Salvation Army  
147 Berkeley St.  
Boston, MA. 02119

United Way  
245 Summer St.  
Boston, MA. 02210

9) The Plaintiff requested only assistance with the electric bill, because - as of Aug. 27, 2003, the Gas Usage is in dispute.

10) On June 23, 2004, Nstar shut off Gas Service to the plaintiff's residence; despite receiving the appropriate documentation providing for serious illness protection & despite the amount of usage being disputed.

to non payment of utility bills.

12) On June 21, 2004, plaintiff made formal request for hearing.

13) On June 24, 2004, plaintiff's gas meter was changed - entry into the home was not required. She had believed it was serviced in September of 2003.

The Ustar employee provided plaintiff with a receipt and explained that the meter dated to 1997. The actual read on the old meter was 0115. The read the plaintiff is being charged on is 8047.

14) Plaintiff has discovered an old bill, dated July 9, 2002, which shows that her bill has been estimated as far back as 5/8/2001. The estimated read for July of 2002 is 1898.

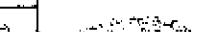
15) The plaintiff has not had any response from the D.H.A. since applying for a hearing and she is currently without gas service and has in fact received notice of termination of her electric service on July 15<sup>th</sup>, 2004, despite the 60 days afforded her under Serious illness protection.

- (6) Wherefore the Plaintiff respectfully  
moves this Court to order Nstar to  
Abide by the Federal and State Rules  
governing both Serious illness protection  
and the process of disputing Gas usage.  
The plaintiff further requests that the  
DTE investigate her situation, as it appears  
that Nstar has been arbitrarily inputting  
the amount of Gas usage attributed to  
the plaintiff for, at the very least - 3 years!  
The plaintiff requests as well that the D.T.E.  
recall its primary purpose; nor seek to aid  
and abet Nstar in ~~a~~ unjust practices; nor to  
cause plaintiff to be homeless because she  
has availed herself of the laws that  
govern utility shut-off protection.
- (7) Lastly, the plaintiff requests the court  
appoint an attorney, whether through the  
Americans with Disabilities Act Trial Court  
Division or other means; as the case at  
hand is complex and all the issues are too  
lengthly for a full disclosure by plaintiff's own  
hand.

June M. Spina  
42 Walnut St.  
Dedham, MA. 02026  
(No phone)

**DOMESTIC MAIL MAILING STATION**  
**(Domestic Mail Only; No Insurance Coverage Provided)**  
**Case 1:04-cv-11485-PC Document 2 Filed 03/23/04 Page 1 of 1**

Postage	\$ 83
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88



June M. Siman  
42 Walnut St.  
Dedham, MA. 02026  
September 11, 2003

Account # S. NSTAR Gas 1370 044 0043

NSTAR Electric 2333 191 1000

Dear Sirs and Ma'ams,

Please be advised that this letter comes to you by way of Certified U.S. Post, as did my previous letter of 8/27/2003. Among the documents enclosed please find a copy of said receipt, signed on 8/28/2003. I have yet to receive a response. In the meantime, I've had another notice of shut-off from NSTAR, which will be effective September 25, 2003 unless I pay \$1168.63 as well as an additional \$878.98 due for the electric bill by September 15, 2003. I sent you copies of my income verification in my last missive, as well as letters from my Doctor. I informed both your Office and NSTAR by Certified Post that I have no phone and that calling the Credit Department at NSTAR by pay phone is a costly venture with no certain hope of getting through to a representative before one runs out of funds. I have received no written response from either but for the current shut off notice, a com [REDACTED]

an Inquiry into the validity of the Gas bill, for  
read the meter, though they've never  
particularly the last time they shut my  
There are only three people living in this  
tryer are electric. I do not see how my bill  
inue to attribute to me. NSTAR's  
ne to oversee it. My disability limits my

4.65

Total Postage & Fees \$

Send To  
Dept. of Telecommunications & Energy  
Street, Apt. No.: One South Station  
or PO Box No.  
City, State, Zip Code: Boston, MA 02110  
See Reverse for Instructions

U.S. Postage 4¢ (June 2002)

June M. Siman  
42 Walnut St.  
Dedham, Ma 02026  
August 26, 2003

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY (DTE)  
CONSUMER DIVISION  
ONE SOUTH STATION  
BOSTON, MA 02110

Re: Notice of inability of NSTAR to continue with serious illness protection for Account number 2333 191 1000, dated August 22, 2003, received August 25, 2003.

Dear Sirs,

I am writing to you regarding my utility bills and the difficulty I've had trying to pay them and all the bills associated with a three bedroom home and three children on a very limited income, by anyone's standards. Yesterday, after complying with the requests of the utility company regarding the documentation required, I received notice that they would no longer continue my serious illness protection as they need not do so any longer under your departments guidelines. I dispute this finding. Further, I would like to know more about the GOOD NEIGHBOR FUND, for though I've contributed in times of plenty, I've never been afforded the assistance of said funds. I would like to know who qualifies for those funds and how destitute one must be in order to qualify? I must keep this missive brief because of the time restrictions placed upon filing for my right to dispute, which this document formally declares. Please be advised that this letter is being sent Certified U.S. Post in order to document dates and all correspondences that they may be employed as factual representation of events should Court proceedings be in order. Be advised as well that should matters be unresolvable, I reserve the right to seek redress for the years that NSTAR has been billing me purely on an arbitrary basis claiming that my gas meter is unreadable, and once going so far as to send me a bill for \$9000.00!

I have included copies of the material faxed to NSTAR offices and have sent them duplicates Certified U.S. Post due to this turn of events. I will be sending copies of all

materials to various government and media Agencies once I determine the best venues and will update you on all correspondences. For myself, I would relish having everything shut off in order that the *myths* about the *assistance* given to *Loyal U.S. Citizens* be dispelled in the light of the truth; for my children I would hate to see them suffer, which is why I bothered to apply for the protection in the first place. You will find copies of my income, and you will wonder, as I often have, how I manage to dress my children at all; how I can possibly feed them anything healthy; how I manage feminine hygiene with two menstruating daughters. This world is impossible and many suffer. The true torture for me is that the Country I pledged my *Sacred Allegiance* to, does not honor me, does not honor mothers in general, and merely pays lip service to the underprivileged. Principle and practice seem to have become irreconcilable. Perhaps I have not properly put it to the test however, and so I appeal to you on behalf of my children, who will be starting school in September, please help me? I cannot borrow any more money. I recently received a small amount of back pay from Social Security Disability but, unfortunately, I still owed \$400.00 for the money I borrowed in May of 2003 in order to pay the \$470 required by NSTAR to keep the gas on, and \$400.00 I borrowed in order to keep my vehicle, which takes me back and forth to all my Doctors appointments thus saving the Commonwealth the expense of transporting me. That was over two months ago and I still owe my cousin another \$1,000.00. I don't know how I managed till now, but I am out of resources and I know not where to turn. It is impossible that this should happen to any family in this Country. And I am not always capable or lucid enough to function and get things done, and I've no assistance. I also have no phone. I cannot afford it. The letter NSTAR sent me says I can call the credit department to get help, but I ran out of Quarters (\$5.00 worth, last time I tried), before I was taken off hold. This whole situation is very dispiriting, and I can only hope that you will give me ample time to respond, as all our dealings will have to be through the Post. I cannot afford to waste what little resources I have on hold.

I would welcome the assistance of any organizations that can help me. I did try to put a budget together with a friend but when it became evident that my household's bare expenses far outweighed my income, she became even more dispirited than I was. It is a terrible thing to be in a hopeless situation and have children depend on you to rear them with some modicum of hope, if not for now, then the future. But such has been my life since my disability took hold. It has been many years that I have been "robbing Peter to pay Paul", and I don't have it in me to continue. Do what you deem appropriate.

Please forgive my disorganized writing, but time is of the essence. This document states my intention to dispute the findings regarding Account # 2333 191 1000, and if the same findings hold for Account # 1570 644 0045, I dispute them as well. I have not been informed that the second account is unprotected but I did get a shut off notice so please be advised that if protection is removed I've already made my intention of disputing said , known. Thank you for your kind attention to this matter.

Sincerely

June M Siman

ENC.7uy

## SHUTOFF NOTICE

DEAR CUSTOMER:

JUNE 28, 2004

YOUR SERVICE IS SCHEDULED FOR SHUTOFF ON JULY 15, 2004.

TO AVOID SHUTOFF, PLEASE PAY \$1329.92 BY JULY 14, 2004. IF YOU PURCHASED ELECTRICITY FROM AN ELECTRICITY SUPPLIER, THE SHUTOFF AMOUNT INCLUDES CHARGES FROM YOUR DISTRIBUTION COMPANY (NSTAR) AND YOUR ELECTRICITY SUPPLIER. TO MAKE PAYMENT ARRANGEMENTS, CALL THE CREDIT DEPARTMENT TOLL FREE AT 1-800-592-2000 BETWEEN 8:00 A.M. AND 5:00 P.M., MONDAY-FRIDAY.

**IF YOU PAY AT A PAYMENT AGENCY, CALL THE CREDIT DEPARTMENT IMMEDIATELY WITH YOUR RECEIPT NUMBER TO PREVENT SHUTOFF.**

IF YOUR SERVICE IS SHUT OFF, IT WILL BE RECONNECTED WITHIN 24 HOURS AFTER PAYMENT HAS BEEN RECEIVED. THE RECONNECT FEE WILL BE \$15.00.

OPEN BALANCE \$1514.92

LAST PAYMENTS RECEIVED  
NONE

**IF YOU PAY AT A PAYMENT AGENCY, CALL THE CREDIT DEPARTMENT IMMEDIATELY WITH YOUR RECEIPT NUMBER TO PREVENT SHUTOFF.**

YOUR ACCOUNT NUMBER IS 2333-191-1000  
FOR SERVICE AT: 42 WALNUT ST  
DEDHAM MA 02026

2 HOURS LEFT  
\*\*\*\*\*  
CAREFULLY

MAY 14, 2004  
BY 20, 2004 OR WITHIN  
OUR PAYMENT.

WESTERN UNION  
BOSTON CHECK CASHERS R 000011  
HYDE PARK MA  
NSTAR

2172720 0569 05/28/04 11:51AM 148 129900	\$200.00CS	\$0.00KC00
8023331911000	\$200.00	\$200.00
00 CHECK PD \$0.00; CASH PD \$200.00	\$200.00	\$200.00
01 STATEMENT \$200.00; TOTAL PD \$200.00	\$200.00	\$200.00
CHANGE DUE \$0.00	\$0.00	\$0.00





## Account Number

1100000525542681755115660000048357 30 1570 644 0045 05 H

JUNE M SIMAN-PASSI  
 42 WALNUT ST  
 DEDHAM MA 02026-2921  
 1100000525542681755115660000048357

Please Pay  
**\$525.54**

NSTAR Gas

RETURN THIS PORTION WITH YOUR PAYMENT. PLEASE BRING ENTIRE BILL WHEN PAYING IN PERSON.

48357 4197  
2 IMD

YOU MIGHT BE ELIGIBLE TO RECEIVE A \$100 REBATE FROM NSTAR IF YOU PURCHASE A HIGH-EFFICIENCY GAS WATER HEATER WITH AN ENERGY FACTOR RATING OF .61 OR HIGHER AND HAVE THE WATER HEATER INSTALLED BY A LICENSED CONTRACTOR. FOR DETAILS OR REBATE FORMS CALL 1-800-232-0672 OR CONTACT YOUR PLUMBER. MORE INFORMATION IS ALSO AVAILABLE ON WWW.NSTARONLINE.COM.

Account Number	Billing Date	Next Read Date
1570 644 0045	Jun 27, 2002	Jul 9, 2002

## Service Provided to

JUNE M SIMAN-PASSI  
 42 WALNUT ST  
 DEDHAM MA 02026

## Account Summary

Previous Bill	628.57
Payment - Thank You	-145.00
Total Charges for Gas	<b>41.97</b>
Amount Due	<b>\$525.54</b>

## Gas Used

Rate 05-Residential Assistance Heat		
Meter	1255283	
Jun 06, 2002 Estimated Read	1898	
May 08, 2002 Estimated Read -	1837	
CCF Used in 29 Days	61	
Times Therm Factor	X 1.0382	
Therms Billed this Meter	63	

## Charges for Gas Used

Delivery Charges			
Customer Charge		5.30	
Distribution Charges			
1st 20	.35520 X	20 Therms	7.10
Over 20	.11630 X	43 Therms	5.00
Distrib Adj	.00720 X	63 Therms	0.45
Delivery Charges Total			17.85
Supplier Charges			
Cost of Gas	.38280 X	63 Therms	24.12
Total Charges for Gas			<b>41.97</b>

Date	Therms
05/08*	107
04/08*	164
03/08*	224
02/06*	246
01/08*	243
12/07*	168
11/07*	178
09/07*	33
08/08*	27
07/10*	43
06/08*	61

\*Estimate

SINCE A RECENT ACTUAL READING SHOWS NO GAS USAGE, THIS BILL HAS BEEN ESTIMATED. THE ACTUAL READING IS A CHANGE FROM PAST USAGE PATTERNS. PLEASE CONTACT OUR OFFICE BETWEEN 8:00 A.M. AND 4:30 P.M.



CUSTOMER SERVICE CENTER 1-800-572-9300  
 OR OUT OF STATE 1-508-481-7900

***IF YOU WISH TO DISPUTE YOUR BILL***

If you do not think your bill is correct, or if you wish to dispute all or part of your bill, please call

**1-800-592-2000**

or write

NSTAR  
Customer Care  
Dept. SW-200  
One NSTAR Way  
Westwood, MA 02090-9230

Please include an explanation of your inquiry and a phone number where you can be reached between 9:00 a.m. and 5:00 p.m. Please include your home phone number as well. We will thoroughly research your inquiry and promptly report the results back to you.

If you are not satisfied with our investigation or the payment plan we have offered on the overdue portion of your bill, you may appeal by writing the Department of Telecommunications and Energy. Consumer Division, One South Station, Boston, MA 02110, or by calling 1-800-392-6066 or 1-617-385-3531. The DTE's Web Site address is [www.magnet.state.ma.us/dtpu/](http://www.magnet.state.ma.us/dtpu/)

***PAYMENT PLANS***

We will work with you to set up an equal payment budget plan. We also offer an extended payment agreement that lets you spread any overdue part of your bill over a minimum of four months while you continue to pay your current bills.

***SERVICE RESTORATION***

If your service was shut off because we were not aware that you are in one of these financial hardship categories, and if you meet all eligibility requirements, your service will be restored.

[www.nstaronline.com](http://www.nstaronline.com)

***AN IMPORTANT MESSAGE FROM  
NSTAR***

Esta información trata sobre su derecho al uso del servicio eléctrico o gas. Si usted no entiende inglés, pida que alguien se la traduzca, o llame al número de la NSTAR que aparece impreso en su factura.

***A representative from NSTAR came today to:***

<input type="checkbox"/> Collect payment of your overdue electric or gas bill
<input checked="" type="checkbox"/> Shut off your electric or gas service
Customer Name <u>June Siman-Pless</u>
Address <u>42 Belmont</u>
Amount Due \$ <u>789.07</u>
NSTAR Account Number <u>233-191-1000</u>
Date <u>9/16/02</u>
Employee Number <u>102</u>

**Please call NSTAR at 1-800-592-2000  
to discuss payment options.**

The information in this brochure explains your rights and options  
that may apply to you.



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

United Way  
245 Summer St.  
Boston, MA.  
02110

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature



- Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  
 Registered  
 Insured Mail  
 Express Mail  
 Return Receipt for Merchandise  
 C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

2003 1010 0004 5859 9675

ZACPRI-03-Z-0986

PS Form 3811, August 2001

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION****COMPLETE THIS SECTION ON DELIVERY**

85

X

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ORDER NO.:

**COMMITTED TO SERVING THE CUSTOMER**

1-800-592-2000

ACCOUNT NO.:	
NAME:	PHONE:
ADDRESS:	APT.:
TOWN/ZIP:	
BILLING ADDRESS:	
NAME:	PHONE:
ACCOUNT NO.:	
NAME:	PHONE:
ADDRESS:	APT.:
TOWN/ZIP:	

WORK STATUS		
CHARGE	METER WORK	
WARRANTY	ODOR INVEST.	
NO CHARGE	COMPLETE	
RECALL	INCOMPLETE	
ODOR DETECTED:	YES	NO



Jeffrey

JUN 21 12:51 PM  
2004

RE  
BY  
Jennipole

June Simon  
412 Walnut St.  
Dedham, MA. 02026

Joanne Toomey,  
Executive Director  
Dedham Housing Authority  
163 Dedham Blvd.  
Dedham, MA. 02026,

Dear Ms. Toomey,

I am writing in answer to  
your letter of 6/14/04 - Post  
marked 6/15/2004.

I hereby formally request  
an Hearing regarding my eligibility  
to receive housing Assistance.

Sincerely

June M. ~~Simon~~  
Simon

Joanne Toomey  
*Executive Director*



TEL: (781) 326-3543  
FAX: (781) 326-1023  
TDD: (781) 326-7302

**DEDHAM HOUSING AUTHORITY**  
163 Dedham Boulevard, Dedham, Massachusetts 02026

June 14, 2004

June Siman  
42 Walnut Street  
Dedham, MA 02026

Dear Ms. Siman:

The Dedham Housing Authority has obtained information that could result in denial of your continued participation in the Section 8 Housing Choice Program for failing to fulfill your family obligations.

- 1) **#5 The family is responsible for Housing Quality Standards breached which are caused by the family's failure to pay for tenant supplied utilities; (You have a large outstanding balance owed for electricity)**

You may contest this information and ask that your participation in the program continue. To do so, you must make a request, in writing, for an informal hearing within five working days after receiving this notification. The purpose of this informal hearing is to make a final determination on your eligibility to receive housing assistance.

To request an informal hearing, your letter must be addressed to Joanne Toomey, Executive Director, Dedham Housing Authority, 163 Dedham Blvd, MA 02026.

At this informal hearing you have the option of obtaining legal counsel and presenting relevant evidence in your favor. South Middlesex Legal Services phone numbers are 508-620-1830 or 800-696-1501.

If an Informal Hearing is not requested within 5 days, the Housing Authority will begin termination of your Section 8 Housing Assistance benefits.

Sincerely yours,

Jennifer Polito

Jennifer Polito  
Leased Housing Representative  
Enc.